IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 21627 of 2007(Y)

PETITIONER:

BABU SHETTY, S/O.SUBBANNA SHETTY,
KALANJE HOUSE, H.NO.10/228, MEENJA,
MOODAMBAIL, P.O.MANJESHWAR, KASARAGOD.

BY ADV. SRI.A.INEES

RESPONDENTS:
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1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, KASARAGOD.

2. THE REGIONAL TRANSPORT AUTHORITY, KASARAGOD, REP.BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.21627/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE REGULAR PERMIT OF THE PETITIONER'S STAGE CARRIAGE KL-14/D-5507 DATED 23.4.02.

EXT.P2: TRUE COPY OF THE NOTICE NO.C1/13435/2007/KSD. DATED 18.6.07 OF THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE HIGH COURT OF KERALA IN WA NO.2056/03 DATED 21.10.2004.

EXT.P4: TRUE COPY OF THE NOTICE NO.C5/9960/06/W DATED 12.12.2006 OF THE SECRETARY, RTA, WAYANAD.

EXT.P5: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE HIGH COURT IN WP(C) NO.4321/07 DATED 12.3.2007.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 21627 OF 2007
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Dated this the 11th day of September, 2007

J U D G M E N T

The petitioner made Ext.P1 application for renewal of permit. That was responded by the first respondent in Ext.P2 directing to replace the existing light motor vehicle with a medium motor vehicle stage carriage. Similar issues have been considered by this court and in Ext.P3 judgment, Division Bench had directed the Government to consider the entire matter and it is submitted that the matter is still pending consideration of the Government. In the meanwhile several petitioners who have been directed to replace their vehicles have approached this court and this court has passed orders directing renewal of permits, provided the applications are otherwise in order subject to certain conditions and Ext.P5 is one such judgment.

2. Following Ext.P5, I dispose of this writ petition

also directing that the first respondent shall renew the permit of the petitioner, provided his application is otherwise in order. In other words, the request for renewal shall not be rejected for the reason that the vehicle offered is a light motor vehicle. However, once the Government renders a decision pursuant to the decision of this Court, petitioner can operate the vehicle only in terms of the decision so taken by the Government.

Writ the above direction, the writ petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp